

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

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NATALIE ISENSEE, :  
Plaintiff, :  
-vs- : CASE NO. 3:22-CV-370  
AMPLITY, INC., : JUDGE THOMAS M. ROSE  
Defendant. :

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Zoom deposition of KAREN MCANDREWS,  
a witness herein, taken by the Plaintiff as  
upon cross examination and pursuant to the  
Federal Rules of Civil Procedure, via Zoom  
videoconference, at 9:00 a.m., on Thursday,  
March 14, 2024, before Tina M. Shell, a  
Registered Professional Reporter and notary  
public within and for the State of Ohio.

\* \* \* \* \*

QUICK REFERENCE INDEX

WITNESS: KAREN MCANDREWS

DX CX RDX RCX

BY: MR. MATTHEWS 4 57

BY: MR. CAMPBELL 48

EXHIBITS

MARKED

PAGE

PLF'S: 1 30

2 32

3 33

4 35

5 39

6 43

INFORMATION REQUESTED

PAGE

BY: MR. MATTHEWS

NOT APPLICABLE

BY: MR. CAMPBELL

\* \* \* \* \*

A P P E A R A N C E S

ON BEHALF OF PLAINTIFF (Via Zoom)

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ON BEHALF OF DEFENDANT (Via Zoom)

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Mr. Eric Green  
General Counsel  
Amplity, Inc.  
2080 Cabot Boulevard West  
Suite 100  
Langhorne, Pennsylvania 19047

ALSO PRESENT (Via Zoom)

Ms. Natalie Isensee

\* \* \* \* \*

1 COURT REPORTER: Do all counsel  
2 stipulate to me swearing the witness in  
3 remotely?

4 MR. MATTHEWS: Yeah, I agree.

5 MR. CAMPBELL: Yes, I agree.

6 WHEREUPON:

7 KAREN MCANDREWS,  
8 of lawful age, a witness herein, being first  
9 duly sworn as hereinafter certified, was  
10 examined and deposed as follows:

11 CROSS EXAMINATION

12 BY MR. MATTHEWS:

13 Q. Thank you. Good morning, Ms.  
14 McAndrews. My name is Jason Matthews and I'm  
15 an attorney that represents Natalie Isensee  
16 in a lawsuit that's been filed against  
17 Amplity. And for some reason I have trouble  
18 saying Amplity so that might not come out  
19 real smoothly this morning.

20 But we're here today to take  
21 your deposition. And I'm going to be asking  
22 you a series of questions, and you're going  
23 to be answering my questions just as if  
24 you're testifying under oath in court, so it  
25 is important to give an audible response to

1 my questions and it's important to provide a  
2 truthful, accurate, and complete answer to my  
3 questions to the best of your ability, okay?

4 A. Okay.

5 Q. So what I would like to do is, I'd  
6 like to have you state and spell your name  
7 for the record?

8 A. Certainly. Karen McAndrews,  
9 K-A-R-E-N, McAndrews, M-C-A-N-D-R-E-W-S.

10 Q. All right, thank you. And as part  
11 of the process today, as I mentioned earlier,  
12 it is important to give an audible response  
13 because everything that's being said on the  
14 record is being taken down by Tina, our court  
15 reporter.

16 It's also important for you and  
17 I not to talk over one another. So even if  
18 you know where I'm going with my question,  
19 please allow me to finish before you start  
20 your answer, and I'm going to do my best to  
21 allow you to finish your answer before I  
22 start my next question, okay?

23 A. Okay.

24 Q. Additionally, if you need a break  
25 at any point during the deposition today,

1       please let me know, and we can go off the  
2       record and take a break. I will most likely  
3       ask that you answer the question that's on  
4       the table before we break, though.

5               If you think any of my questions  
6       involve a matter of attorney/client  
7       privilege, please let me know, and we can go  
8       off the record and have a discussion with  
9       Amplity's legal counsel before we move  
10      forward, okay?

11             A.     Okay.

12             Q.     Can you think of any reason why you  
13       would be unable to answer my questions  
14       truthfully and accurately today?

15             A.     No.

16             Q.     Okay. Are you currently employed?

17             A.     Yes.

18             Q.     And by whom are you employed?

19             A.     Amplity Health.

20             Q.     Okay. And how long have you been  
21       employed by Amplity Health?

22             A.     I'd say about two and a half years.

23             Q.     Okay. Do you know the date that  
24       you started your employment or the, at least  
25       the approximate date?

1           A.     It was June of 2021. I think it  
2     was June 26th, but I -- I should know that  
3     but I don't have that accurate day. But June  
4     of 2021.

5           Q.     All right. And what position do  
6     you currently hold with Amplity?

7           A.     Currently I'm the director of the  
8     US people team.

9           Q.     And is that the position that you  
10    were hired into?

11          A.     No, I was hired into a Human  
12    Resources business partner role originally.

13          Q.     And in the timeframe of October of  
14    2021 through December of 2021, what was your  
15    role at that time?

16          A.     I was a Human Resources business  
17    partner.

18          Q.     And when were you promoted or when  
19    did you transition into your current  
20    position?

21          A.     It was September of 2023.

22          Q.     And, just generally, what were your  
23    job duties as an HR business partner as they  
24    related to requests for religious  
25    accommodations?

1           A.     Sure.   So I supported the process.  
2           So basically if anyone had any questions,  
3           certainly answered questions.  If there were  
4           any exemption requests, I would kind of  
5           funnel that information and coordinate that  
6           with the employee and the exemption review  
7           board and my boss, Erica Smith, at the time.

8           Q.     And were you involved in making any  
9           decisions as to whether a religious  
10          accommodation request would be granted?

11          A.     No, I was not.

12          Q.     Do you know who made the decision  
13          as to whether or not to grant a religious  
14          accommodation at that time?

15          A.     I believe that was our Amplity  
16          exemption review board.

17          Q.     Do you know who served on the  
18          Amplity exemption review board?

19          A.     I do.  We had Eric Green on that  
20          review board, our general counsel and chief  
21          compliance officer.  We had Becky O'Loughlin  
22          who was our chief people officer at that  
23          time.  And we had Torben Colberg who was our  
24          medical, I guess chief medical officer.

25          Q.     And, I'm sorry, what was that last



1 name?

2 A. I believe it's Colberg. He's no  
3 longer here. C-O-L-B-E-R-G.

4 Q. Okay. And do you recall having  
5 some communications with Natalie Isensee  
6 regarding her request for a religious  
7 exemption?

8 A. I do.

9 Q. Okay. And just so that the record  
10 is clear, the exemption or the accomodation  
11 that we're discussing is the accomodation of  
12 not receiving the COVID-19 vaccination?

13 A. That's correct.

14 Q. And is it your understanding that  
15 Ms. Isensee submitted a request for an  
16 accomodation based on her religion not to  
17 receive the COVID-19 vaccination?

18 A. Yes, she did.

19 Q. And did she submit that request to  
20 you?

21 A. Yes.

22 Q. And did you review Ms. Isensee's  
23 request?

24 A. She provided a letter, sent that to  
25 me, and then I forwarded that to Erica Smith

1       who was our director -- senior director at  
2       the time. So I didn't review it in its  
3       entirety, I just forwarded the request off to  
4       Erica Smith who then shared that with the  
5       exemption review board.

6             Q.     Okay. And with respect to Erica  
7       Smith, she was your immediate supervisor, is  
8       that correct?

9             A.     That's correct.

10            Q.     And did Ms. Smith report directly  
11       to Becky O'Loughlin, the chief people  
12       officer?

13            A.     That's correct.

14            Q.     All right. And so you received Ms.  
15       Isensee's accomodation request, you forwarded  
16       that or transferred that to Erica Smith, and  
17       do you know what happened to that  
18       accomodation request after it was transferred  
19       to Ms. Smith?

20            A.     Yes. I believe it was then  
21       forwarded to the exemption review board.

22            Q.     And did you have any communications  
23       with anybody from the exemption review board?

24            A.     I did not.

25            Q.     And do you know whether or not the

1 exemption review board reviewed accomodation  
2 requests for both religious exemptions and  
3 disability exemptions?

4 A. With respect to the COVID-19  
5 vaccination?

6 Q. With respect to the COVID-19  
7 vaccination.

8 A. Yes, I do believe that to be the  
9 case.

10 Q. Do you know whether the review  
11 board, the exemption review board utilized  
12 the same standards in determining whether a  
13 religious accomodation would be approved  
14 versus whether a religious -- I'm sorry, let  
15 me start over.

16 Do you know whether or not the  
17 review board used the same standard in  
18 determining whether an accomodation based on  
19 disability would be granted versus whether an  
20 accomodation based on religion would be  
21 granted?

22 A. Yes, I do.

23 Q. Okay. And did they use the same  
24 standard?

25 A. I believe so, yes.

1 Q. And do you know what standard was  
2 utilized?

3 A. So essentially the role of a  
4 field-based sales employee, right, a part of  
5 their essential functions of the job was for  
6 in-person regular face-to-face conversations  
7 with doctors in clinics, hospitals, and  
8 health systems. So it was essentially  
9 reviewed based on the essential functions of  
10 the job regardless of whether it was a  
11 medical or a religion, you know, request for  
12 exemption.

13 Q. Okay. Do you know if there was any  
14 determination as to whether an exemption --  
15 I'm sorry. Do you know if there was any  
16 consideration by the review board as to  
17 whether an exemption created any type of  
18 hardship for Amplity?

19 A. Yes, that is my understanding.

20 Q. And what was your understanding of  
21 what factors were considered when determining  
22 if an accomodation request posed a hardship  
23 to Amplity?

24 A. Sure. It was -- they were looking  
25 at the essential functions of the job as well

1 as the contractual agreements with our  
2 clients, and also considering the, the  
3 vaccination requirements of entering into  
4 facilities, doctors' offices, and health  
5 systems.

6 Q. And as of November of 2021, were  
7 sales representatives -- or I believe that  
8 they were called specialty representatives,  
9 is that correct?

10 A. With this team there's different  
11 teams that, that we employ, and this team was  
12 an immunology sales specialist. So they were  
13 essentially field sales representatives  
14 calling on, you know, cancer centers and  
15 other doctors treating immunology patients.

16 Q. And with respect to members of this  
17 team who served as sales representatives or  
18 specialty representatives, in November of  
19 2021 were these employees, were they actually  
20 going into doctors' offices and cancer  
21 centers and hospitals?

22 A. Yes.

23 Q. Okay. Were any of these employees  
24 working fully remotely in November of 2021?

25 A. I don't believe there was anybody

1 fully remote, but certainly we employed  
2 individuals across the country so there may  
3 have been occasions where they needed to  
4 access facilities in a remote capacity.

5 Q. Okay. And is it your understanding  
6 that as of November of 2021 that Ms. Isensee  
7 was going into facilities, doctors' offices,  
8 offices, cancer treatment centers, places of  
9 that nature as part of her job duties?

10 A. That was the expectation. I can't  
11 say one way or another if she specifically  
12 was going into offices on a regular basis.

13 Q. Okay. And of the offices that she  
14 was assigned to go into and the different  
15 facilities that she was assigned to go into,  
16 do you know whether or not any of those  
17 facilities had their own requirements that  
18 representatives coming into those facilities  
19 be vaccinated against COVID-19?

20 A. I can't speak specifically to the  
21 targets assigned to Natalie, but what I can  
22 say is those expectations or those mandates,  
23 right, varied by office or hospital system.  
24 And it was ever changing, right? As the  
25 vaccination became available, you know, and

1 offices kind of reevaluated, you know, there  
2 were, there were, you know, changes with  
3 respect to policies around field  
4 representatives entering offices and health  
5 systems.

6 Q. And as part of your job duties as  
7 an HR business partner, were you involved in  
8 formulating Amplity's policy requiring  
9 COVID-19 vaccinations?

10 A. No, I was not.

11 Q. Were you involved in formulating  
12 any criteria that would be used by Amplity in  
13 determining whether a religious accomodation  
14 would be granted or denied?

15 A. No, I was not.

16 Q. Did you ever see any documents,  
17 email correspondence, which discussed the  
18 criteria which would be evaluated by the  
19 exemption board in determining whether or not  
20 an employee would be -- would receive a  
21 religious accomodation from the COVID-19  
22 vaccination?

23 A. No, I did not.

24 Q. And did you ever have any  
25 discussions with Natalie Isensee regarding

1 possible accommodations that would allow her  
2 to perform her job duties while being exempt  
3 from receiving the COVID-19 vaccination?

4 A. Well, based on the job duties  
5 there's an expectation that she engage in  
6 face-to-face conversations just like our  
7 competitors, so we didn't discuss any kind of  
8 accomodation with respect to her in her  
9 present role; however, we did discuss  
10 opportunities to consider other roles within  
11 Amplity that didn't require face-to-face  
12 regular in-person engagements with hospitals  
13 and such.

14 Q. Okay. And with respect to the role  
15 that she was in as an immunology sales  
16 representative, were there any discussions  
17 regarding regular testing as an accomodation  
18 for, for her religious beliefs?

19 A. No, we did not.

20 Q. Was there any discussion regarding  
21 masking as an accomodation for her religious  
22 beliefs?

23 A. I don't recall. She may have asked  
24 if that was an option, but I, I don't recall  
25 specifically if that's a conversation that



1 she and I had.

2 Q. Was there any discussion regarding  
3 allowing Ms. Isensee to continue working  
4 remotely as a specialty sales representative?

5 A. I believe she asked if that was an  
6 option at one point in time, but we were not  
7 able to accommodate in that fashion given the  
8 expectations and the contractual obligations,  
9 and the required expectation to enter offices  
10 and facilities to have face-to-face  
11 conversations with doctors and physicians.

12 Q. Do you know whether or not Ms.  
13 Isensee's performance in her job duties while  
14 working on a fully remote basis was taken  
15 into consideration when determining whether  
16 to grant her religious accommodation request?

17 A. I'm not aware that she was fully  
18 remote. And I'm not aware of any performance  
19 issues or concerns, or that that factored  
20 into any decision. It was purely just, you  
21 know, the essential functions of the job  
22 required in-person engagements.

23 Q. And do you know whether or not  
24 those essential functions of the job changed  
25 at all at any point after Ms. Isensee's

1 employment was terminated?

2 A. No, I don't believe that there,  
3 there's been any change. It is part of the  
4 credentialing process just like other  
5 vaccinations are required to access  
6 facilities. So for in, you know, in-person  
7 roles that require vaccination, I don't  
8 believe our policy has changed at this point  
9 in time.

10 Q. And with respect to the  
11 credentialing, do you know if any of the  
12 specific facilities that Ms. Isensee called  
13 upon required the COVID-19 vaccination as of  
14 November or December of 2021?

15 A. Can you repeat that question?

16 Q. Sure. Do you know whether any of  
17 the specific facilities or offices that Ms.  
18 Isensee called upon required the COVID-19  
19 vaccination in November of 2021?

20 A. I don't know specifically with  
21 respect to the targets in her territory, but  
22 I can say that the -- my understanding is the  
23 majority of health systems had required  
24 COVID-19 vaccination at that time, which was  
25 a part of the credentialing process to access

1 the facilities, yes.

2 Q. And do you know if any of those  
3 facilities that Ms. Isensee called upon, was,  
4 was assigned to call upon, not allowing any  
5 religious accomodation from the COVID-19  
6 vaccination?

7 A. Specific to her territories or  
8 customers, no, I don't. I can't.

9 Q. And it's my understanding that,  
10 that Ms. Isensee was actually contracted by  
11 Amplity to work for a company called Organon;  
12 are you familiar with Organon or Organon?

13 A. Organon, yes, she was part of the  
14 team that was, you know, promoting products  
15 on behalf of Organon.

16 Q. Now, do you know whether or not  
17 Organon required that Amplity team members or  
18 Amplity employees working on their team  
19 receive the COVID-19 vaccination?

20 A. Yes, that was the expectation.

21 Q. Do you know if Organon allowed for  
22 employees to be granted accommodations based  
23 on religious beliefs?

24 A. Are you speaking about their own  
25 employees?

1           Q.    Well, let's start with their own  
2 employees, if you know.

3           A.    I don't have awareness of that, no.

4           Q.    Do you know if Organ -- well, let  
5 me ask a different question. Did Organon  
6 ever communicate to Amplity that we're not  
7 going to allow any Amplity employees to  
8 continue working on our team if they have not  
9 received the COVID-19 vaccination?

10          A.    I'm not aware of any conversation  
11 that occurred in that regard. I do know that  
12 our statement of work did require in-person  
13 face-to-face engagements with their  
14 customers.

15          Q.    And do you know whether any of  
16 Organon's customers communicated to Amplity  
17 that Amplity employees would not be permitted  
18 in their facilities if they had not received  
19 the COVID-19 vaccine?

20          A.    I don't know if any customers  
21 specifically communicated directly to  
22 Amplity, but I have the understanding that  
23 any vendor or visitor, right, calling on  
24 behalf of doctors, there were offices that  
25 would not permit people to enter those

1 facilities without vaccination to COVID-19.

2 Q. But you don't know whether any of  
3 those specific facilities were facilities  
4 that Ms. Isensee was required to enter as  
5 part of her job duties, is that correct?

6 A. That's correct.

7 Q. Did you have any communications  
8 with anybody from the exemption board  
9 regarding the board's decision to deny Ms.  
10 Isensee's request to -- or, I'm sorry,  
11 request for an accomodation not to receive  
12 the COVID-19 vaccine?

13 A. I did not have any discussions with  
14 the exemption review board.

15 Q. Did you receive any type of written  
16 communications from the exemption review  
17 board pertaining to Ms. Isensee's request for  
18 religious accomodation?

19 A. I did not receive any emails from  
20 the exemption review board. I received  
21 communication or direction from my boss at  
22 the time, Erica Smith.

23 Q. Okay. And with respect to your  
24 communications with Ms. Smith, did she  
25 communicate to you the basis of the review

1 board's denial of Ms. Isensee's accomodation  
2 request?

3 A. Yes.

4 Q. Okay. And based on that  
5 communication with -- well, let me just back  
6 up. What did Ms. Smith communicate to you  
7 regarding Ms. Isensee's accomodation request?

8 A. Basically that we were unable to  
9 accommodate in this role as a field sales  
10 representative because that would cause undue  
11 hardship. So, you know, we were  
12 contractually obligated for in-person  
13 engagements, and so in this role we would be  
14 unable to accommodate.

15 Also, we were following CDC  
16 guidance that somebody entering facilities  
17 especially with immunocompromised patients  
18 could put those patients at risk.

19 So it was kind of a two,  
20 two-factor decision that applied to all  
21 exemption requests, whether that be religious  
22 or medical.

23 And, you know, therefore, we  
24 would be able to un -- we would not be able  
25 to accommodate in this role, but we would

1       either, A, happy, happy to help them kind of  
2       work through the vaccination process or find  
3       another alternative role that did not require  
4       regular in-person engagements.

5           Q.     Okay. And I'd like to discuss a  
6       little bit more about the hardship piece.  
7       Did Ms. Smith indicate to you that  
8       accommodating Ms. Isensee's request --  
9       exemption request would create any type of  
10      financial hardship for Amplity?

11      A.     Yes.

12      Q.     Okay. And what specifically did  
13      she communicate to you regarding a financial  
14      hardship?

15      A.     Essentially that, you know,  
16      contractually we had an obligation to our  
17      client to, you know, employ sales  
18      representatives supporting their products,  
19      you know, and as a result, if we weren't able  
20      to provide that, that sales team to do that,  
21      right, could ultimately put Amplity at risk  
22      of, of that team.

23      Q.     Okay. So the hardship was based on  
24      the potential risk of losing, losing a  
25      contract with --

1 A. Correct.

2 Q. -- with Organon?

3 A. Yes.

4 Q. At that point had Organon  
5 communicated to Amplity that, that it was  
6 somehow dissatisfied or unhappy with Ms.  
7 Isensee not working or not reporting to  
8 certain facilities?

9 A. No. But they did share with us  
10 that all Amplity employees working on behalf  
11 of Organon needed to be vaccinated by I think  
12 it was end of November.

13 Q. Okay. And do you know if anybody  
14 from Amplity made an inquiry to Organon as to  
15 whether employees could be exempted from that  
16 vaccination requirement due to either  
17 religious reasons or due to a disability?

18 A. I'm not aware of any conversations.

19 Q. Anything else regarding a financial  
20 hardship that, that was discussed between you  
21 and Ms. Smith relating to religious  
22 accommodations?

23 A. No.

24 Q. And with respect to allowing Ms.  
25 Isensee to work without a COVID-19



1       vaccination, that wouldn't have cost anything  
2       out of -- or Amplity wouldn't have had to pay  
3       anything out-of-pocket in order to do that,  
4       is that correct?

5             A.     That's correct.

6             Q.     And you also mentioned that in your  
7       communications with Ms. Smith the subject of  
8       accommodation came up; now, with respect to  
9       the accommodation that was offered to Ms.  
10      Isensee, that was to potentially work in a  
11      role that did not require face-to-face  
12      customer interaction, is that correct?

13            A.     Yes.

14            Q.     And it's my understanding that you  
15      and Ms. Isensee discussed potential  
16      positions, but there were no positions  
17      available for Ms. Isensee to transition into  
18      that would not be -- would not have  
19      face-to-face customer interaction and that  
20      she would be qualified to perform?

21            A.     Yes, we did take a look at  
22      positions that may have been available,  
23      looked at her qualifications, her interests,  
24      and I don't believe at the time there were  
25      any positions open that kind of fit that

1 criteria, so at that time, correct, there was  
2 no alternative roles at that time.

3 Q. And to your knowledge, do you know  
4 how many Amplity employees requested to be  
5 exempt from receiving the COVID-19 vaccine  
6 due to religious reasons?

7 MR. CAMPBELL: I'm going to  
8 object to it. I don't think it's relevant in  
9 an accomodation case as to it, but I'll let  
10 her answer. If you know.

11 THE WITNESS: In a field-based  
12 sales role, I believe it was around 30.

13 BY MR. MATTHEWS:

14 Q. Okay. And do you know how many of  
15 those accomodation requests were granted?

16 MR. CAMPBELL: I'm going to have  
17 the same objection. But you can answer.

18 THE WITNESS: I know we were  
19 able to find alternative roles for  
20 individuals, I don't remember how many.

21 BY MR. MATTHEWS:

22 Q. Okay.

23 A. And actually some elected to choose  
24 vaccination.

25 Q. And did Amplity permit any

1 employees who requested religious  
2 accommodations in the form of an exemption  
3 from receiving the COVID-19 vaccine from  
4 continuing to work in a customer-facing role?

5 A. In a field-based role, no.

6 Q. And with respect to the team that  
7 Ms. Isensee was on, it's my understanding  
8 that -- well, let me strike that.

9 Do you know whether or not any  
10 employees from Ms. Isensee's team were  
11 offered positions in other roles whose  
12 religious accommodations were denied?

13 A. Offered roles or were able to  
14 secure roles?

15 Q. Well, I guess were able -- so let's  
16 go back. So my understanding is, is that,  
17 that in order for an employee to actually  
18 receive an offer of a role, that there had to  
19 be a role available, is that correct?

20 A. That's correct.

21 Q. Okay. Were there any who -- were  
22 there any employees who were actually offered  
23 an available role?

24 A. Of the individuals on --

25 MR. CAMPBELL: Wait. Wait.

1       Wait. Just so we're clear, are you  
2       talking -- you said any employees, are you  
3       talking -- you were talking about others  
4       holding the same position as Ms. Isensee, but  
5       could you clarify it because I don't think  
6       that's fair.

7                       MR. MATTHEWS: Sure.

8       BY MR. MATTHEWS:

9               Q.     So we were talking about Ms.  
10       Isensee's team and other members of that  
11       team, were any other members of her team  
12       offered roles which were available at that  
13       time as an accomodation?

14              A.     The roles were -- we had a limited  
15       number of roles available at that time, I do  
16       not believe anyone from Natalie's team was  
17       able to secure a role within Amplity.

18              Q.     Okay.

19                    MR. CAMPBELL: Why don't we take  
20       a short break. How long do you think you're  
21       going to be going?

22                    MR. MATTHEWS: Probably, I would  
23       say, you know, probably another 45 minutes or  
24       so to be safe.

25                    MR. CAMPBELL: Okay. Why don't

1 we come back at a quarter till, does that  
2 work?

3 MR. MATTHEWS: That works, yep.

4 MR. CAMPBELL: Okay. Great.

5 Thanks.

6 (WHEREUPON, a discussion was  
7 held off the record.)

8 BY MR. MATTHEWS:

9 Q. So, Ms. McAndrews, did anybody  
10 communicate to you that part of the reason  
11 that Ms. Isensee's religious accomodation  
12 request was denied was that the -- it was  
13 determined that she did not possess a sincere  
14 belief that was religious in nature to  
15 justify her refusal to receive the COVID-19  
16 vaccine?

17 A. So I wouldn't say her request was  
18 denied. I think what we were saying was we  
19 were not able to accommodate her, you know,  
20 without COVID-19, based on the essential  
21 functions of the job.

22 I do believe we had asked for  
23 more information because we had our own  
24 exemption form and she hadn't filled that  
25 form out, she had just sent a letter with

1       some information. So we were looking for,  
2       for more information. I'm not sure that  
3       would have changed the outcome, but, and that  
4       what I had shared with her is that, you know,  
5       certainly we were looking for more  
6       information, but based on the essential  
7       functions of the job we didn't anticipate  
8       that we would be able to accommodate her in  
9       the current role.

10               Now, should she have secured a  
11       remote role and had to go into client offices  
12       or, you know, go into client's facilities for  
13       training that required vaccination then,  
14       right, we would be able to accommodate  
15       because those weren't kind of everyday  
16       regular in-person engagements.

17               Q.     Okay. What I would like to do is,  
18       I'd like to review a few documents with you,  
19       so let me go ahead and share my screen. And  
20       please let me know if you have any difficulty  
21       seeing the documents we're referencing.

22               A.     Sure.

23                       (WHEREUPON, Plaintiff's  
24       Deposition Exhibit 1 was marked for  
25       identification.)

1 BY MR. MATTHEWS:

2 Q. All right. Are you able to see my  
3 screen okay?

4 A. I am.

5 Q. Okay, perfect. So the first  
6 document which has been marked -- I'm just  
7 going to scroll down to the exhibit  
8 sticker -- as Plaintiff's Exhibit No. 1, this  
9 appears to be an email message dated  
10 October 5th of 2021. And please let me know  
11 if this is a document that -- and you can let  
12 me know when I'm ready to scroll or when you  
13 want me to scroll, but I just want to make  
14 sure that this is a document that, that  
15 you've seen before?

16 A. Yes, I've seen this before.

17 Q. Okay. And was this the document  
18 that communicated to Amplity employees the  
19 requirements regarding the COVID-19 vaccine?

20 A. Yes, it is.

21 Q. Okay. And it appears that this  
22 document is dated October 5th of 2021; do you  
23 know whether or not there is any official  
24 announcement before this date that employees  
25 would be required to receive the COVID-19

1 vaccine?

2 A. No, I believe this was the  
3 communication around our policy.

4 (WHEREUPON, Plaintiff's  
5 Deposition Exhibit 2 was marked for  
6 identification.)

7 BY MR. MATTHEWS:

8 Q. And I'm going to scroll down to a  
9 document that's been marked as Plaintiff's  
10 Exhibit No. 2, and I'm just going to scroll  
11 through this document and ask if this is a  
12 document that you've seen before?

13 A. Yes.

14 Q. Okay. And the document that's been  
15 marked as Exhibit 2, does that appear to be  
16 the document that Ms. Isensee submitted to  
17 you requesting a religious exemption or  
18 religious accomodation to be able to work  
19 without receiving the COVID-19 vaccine?

20 A. Yes.

21 Q. And if we go to the second page of  
22 that document, it appears that that document  
23 was signed by Ms. Isensee or at least dated  
24 October 7th of 2021; do you know if you  
25 received that document from her around that



1 time?

2 A. Yes, I did.

3 Q. And if we go to the third and the  
4 fourth pages of the document which appear to  
5 be a letter that Ms. Isensee had submitted in  
6 support of her accomodation request, it  
7 appears that that document is dated  
8 October 6th of 2021, signed by Ms. Isensee,  
9 and then there's also a pastor's signature  
10 which is dated September 12th of 2021; was a  
11 pastor required to sign an accomodation  
12 request under Amplity's policy?

13 A. As I recall, no. I believe we did  
14 update the form and on that second form it  
15 did say there may be a need to get additional  
16 information which may have been a religious  
17 leader helping to provide more information.

18 Q. Okay. Do you know whether anybody  
19 from Amplity reached out to the Pastor Darin  
20 Bolden regarding --

21 A. No, I don't know if anybody reached  
22 out to Darin Bolder (sic).

23 (WHEREUPON, Plaintiff's  
24 Deposition Exhibit 3 was marked for  
25 identification.)

1 BY MR. MATTHEWS:

2 Q. All right. I'm going to ask you to  
3 take a look at the document that's been  
4 marked as Plaintiff's Exhibit No. 3. And I'm  
5 just going to scroll through, through this  
6 document. Have you seen the document that's  
7 been marked as exhibit, Plaintiff's Exhibit 3  
8 before?

9 A. I believe so, yes.

10 Q. Okay. And it appears that this is  
11 an email message that Ms. Isensee sent to you  
12 on November 23rd, 2021, is that correct?

13 A. Yes. Uh-huh. Yes.

14 Q. And based on the content of this  
15 message, it appears that Amplity had already  
16 denied her accomodation request at the time  
17 that this email message was sent, is that  
18 your understanding?

19 A. I don't recall the exact dates, to  
20 be honest.

21 Q. Okay. And in this email Ms.  
22 Isensee is requesting a response from you  
23 within 72 hours; do you recall whether or not  
24 you responded to Ms. Isensee?

25 A. We had a number of phone

1       conversations and a number of email  
2       conversations, I don't recall if I emailed  
3       back in regards to this email that she sent  
4       me.

5               Q.     Okay.

6                       (WHEREUPON, Plaintiff's  
7       Deposition Exhibit 4 was marked for  
8       identification.)

9       BY MR. MATTHEWS:

10              Q.     And I'm going to show you a  
11       document that's been marked as Plaintiff's  
12       Exhibit No. 4, and please let me know whether  
13       or not you've seen Plaintiff's Exhibit No. 4  
14       before?

15              A.     Yes, I have.

16              Q.     And this appears to be an email  
17       message from you to Ms. Isensee dated  
18       November 24th of 2021 at 11:49 a.m., is that  
19       correct?

20              A.     Yes.

21              Q.     Okay. And you lay out a timeline  
22       in this email message and I'd like to start  
23       with the 11-12 entry; would this be on  
24       November 12th of 2021 that, that you notified  
25       Ms. Isensee of Amplity's inability to

1 accommodate her request for an exemption?

2 A. Yes.

3 Q. And you indicate in the first  
4 bullet point that: To be eligible for an  
5 exemption -- or, I'm sorry, an exception, you  
6 must first establish your refusal to be  
7 vaccinated is based upon a sincere belief  
8 that is religious in nature. At that time,  
9 the exemption review board did not believe  
10 this criteria was met. Did somebody from the  
11 exemption review board communicate to you  
12 that Ms. Isensee did not meet the sincere  
13 belief criteria?

14 A. Yes. Erica Smith had shared that  
15 with me. And I believe the exemption review  
16 board was looking for some additional  
17 information. But what I had shared in this  
18 email you'll see is that even if we are able  
19 to accommodate her in another role, right,  
20 you know, we were, we were looking for some  
21 more information to substantiate I guess that  
22 it was a sincere belief.

23 Q. Okay. And I want to ask you a  
24 couple of questions regarding your knowledge  
25 about this sincere belief issue. So do you

1 know who from the review board you  
2 communicated with regarding the sincere  
3 belief issue with respect to Ms. Isensee's  
4 accomodation request?

5 A. I didn't communicate with anybody  
6 from the exemption review board. I was asked  
7 by Erica Smith, my boss, to obtain more  
8 information from Natalie to ascertain I guess  
9 whether this was a sincere belief in the --  
10 in order to consider an accomodation in  
11 another role. So should, should Natalie have  
12 received an opportunity to work in a remote  
13 capacity on another contract that didn't  
14 require regular in-person engagements but did  
15 require, you know, training or other meetings  
16 that required vaccination, we would be able  
17 to accommodate that.

18 So my understanding was we were  
19 looking for some more information so that we  
20 could make, you know, make that decision.

21 Q. Okay. And you indicate in, in this  
22 bullet point as well that on November 15th or  
23 on 11-15, I emailed you additional questions  
24 to review and respond to. Did Ms. Isensee  
25 ever confirm receipt of that November 15th

1 email?

2 A. I don't recall.

3 Q. Do you have any, any records  
4 indicating that, that she received that  
5 November 15th email?

6 A. I'd have to go back and look.

7 Q. Do you recall any substantive --  
8 well, did Ms. Isensee ever communicate to you  
9 that she did not receive the request for  
10 additional information?

11 A. I honestly don't recall.

12 Q. Do you recall having any other  
13 communications with Ms. Smith regarding  
14 whether Ms. Isensee's religious exemption  
15 request -- I'm sorry -- whether or not Ms.  
16 Isensee's accomodation request was based on a  
17 sincere religious belief?

18 A. Ask that question again.

19 Q. Sure. Other than what we've just  
20 discussed, did you have any other  
21 communications with Erica Smith as to whether  
22 Ms. Isensee's accomodation request was based  
23 upon a sincere religious belief?

24 A. No, I did not.

25 Q. Did you have any discussions with

1 Ms. Isensee about her sincere religious  
2 beliefs or about her religious beliefs?

3 A. No, I did not.

4 Q. All right.

5 (WHEREUPON, Plaintiff's  
6 Deposition Exhibit 5 was marked for  
7 identification.)

8 BY MR. MATTHEWS:

9 Q. I'm going to ask you to review a  
10 document that's been marked as Plaintiff's  
11 Exhibit No. 5, which is the document that  
12 we're on now. I'm going to scroll down. Ms.  
13 McAndrews, have you seen this document  
14 before?

15 A. Yes.

16 Q. Okay. And this appears to be an  
17 email from Natalie Isensee to you dated  
18 November 24th, 2021, at 1:47 p.m., is that  
19 correct?

20 A. Looks like it, yes.

21 Q. And do you know whether or not you  
22 responded to this email from Ms. Isensee?

23 A. I would imagine that I did. Again,  
24 we had a number of phone conversations as  
25 well, so if I was asking for additional

1 information and she, you know, either did not  
2 receive that information, I would -- I  
3 believe I sent her those additional questions  
4 that we were asking. But, again, reiterating  
5 that, you know, should her exemption be  
6 granted, that we wouldn't be able to  
7 accommodate her in the current role.

8 Q. Okay.

9 A. Based on the essential functions of  
10 the job.

11 Q. And at any point did Amplity amend  
12 Ms. Isensee's job description to include  
13 being vaccinated against COVID-19 as an  
14 essential function of the job?

15 A. Yes, in the job description it did  
16 say that COVID-19 vaccination was required.

17 Q. And when was that job description  
18 amended to include COVID-19 vaccination as a  
19 job requirement?

20 A. I believe it was after our policy.  
21 So October 2021. I'm sorry, that was when we  
22 communicated our policy. I believe we, our  
23 policy was that those people in field-based  
24 roles requiring vaccination need to be  
25 vaccinated by, I believe it was December 1.



1       So it would have been December 1 and forward.

2           Q.     Okay. And does Amplity still  
3       require employees serving in the field  
4       representative -- the immunology field  
5       representative role to be vaccinated against  
6       COVID-19?

7           A.     Yes, I believe so.

8           Q.     Now, after receiving this  
9       November 24th email from Ms. Isensee, did you  
10      resend the November 15th email to her  
11      regarding the additional information that was  
12      being requested regarding her religious  
13      accommodation?

14          A.     I honestly don't recall.

15          Q.     Do you recall having any  
16      communications with Ms. Isensee after  
17      November 24th of 2021 at 1:47 p.m. in which  
18      you gave her the opportunity to submit  
19      additional documents pertaining to her  
20      religious accommodation?

21          A.     I believe I did.

22          Q.     And how did you -- and what form of  
23      communication did you have with Ms. Isensee  
24      giving her that opportunity?

25          A.     Well, again, I had phone

1 conversation as well as email conversation.  
2 It was a sensitive, sensitive situation,  
3 right, and I wanted to make sure that, yeah,  
4 we were clear, right, around the, the  
5 requests and the, you know, the factors, and  
6 let her know that we were supporting her in  
7 finding another role within Amplity, you  
8 know, if we were not able to accommodate.

9 Q. Okay. And due to her need to be  
10 exempt from receiving the COVID-19 vaccine as  
11 a religious accomodation, the only possible  
12 accomodation that Amplity would consider  
13 would be something working outside of her  
14 role, is that correct?

15 A. That's correct.

16 Q. Did Amplity take any measures to  
17 determine whether or not she could perform in  
18 her current role with some type of an  
19 accomodation yet still be exempt from  
20 receiving the COVID-19 vaccine?

21 A. Can you repeat that again?

22 Q. Yeah. Did Amplity take any  
23 measures to determine whether Ms. Isensee  
24 could continue working in her current role  
25 while receiving the accomodation of being

1 exempt from the COVID-19 vaccine?

2 A. Well, the exemption review board,  
3 right, obviously considered our contractual  
4 obligation, the essential functions of the  
5 job, and whether we were able to accommodate  
6 or not.

7 Q. All right.

8 (WHEREUPON, Plaintiff's  
9 Deposition Exhibit 6 was marked for  
10 identification.)

11 BY MR. MATTHEWS:

12 Q. Let me ask you to review the  
13 document that's been marked as Plaintiff's  
14 Exhibit No. 6. And have you seen Plaintiff's  
15 Exhibit No. 6 before?

16 A. Yes.

17 Q. Okay. And at the top it appears --  
18 well, let's start at the bottom. The bottom  
19 message appears to be an email from Natalie  
20 Isensee to you dated December 10th of 2021 at  
21 10:34 a.m., is that correct?

22 A. Uh-huh. Yes.

23 Q. Okay. And then if we go to the  
24 message above that, it appears to be an email  
25 message from you to Ms. Isensee dated

1 December 10th, 2021, at 6:49 p.m. With  
2 respect to Ms. Isensee's status as of  
3 December 10th, was she on an unpaid leave of  
4 absence at that time?

5 A. I believe so.

6 Q. And as an accomodation, did Amplity  
7 consider extending Ms. Isensee's unpaid leave  
8 of absence while additional work was being  
9 done to see if a position could be secured  
10 for her?

11 A. Sure, we, we considered that  
12 option, but there was nothing in the pipeline  
13 that indicated we would have a role in the  
14 near future. So without having any knowledge  
15 of any future roles, we were unable to keep  
16 her on an unpaid leave of absence.

17 Q. And with respect to maintaining her  
18 on an unpaid leave of absence, would that  
19 have created any type of financial hardship  
20 for Amplity?

21 A. I'd have to -- sorry, I would have  
22 to confirm with our benefits team if, if she  
23 would be eligible for any sort of benefits on  
24 an unpaid leave of absence, so --

25 Q. So would it be safe to say that as

1       you sit here right now you don't know whether  
2       that would have created some type of  
3       financial hardship on Amplity?

4             A.     Correct.

5             Q.     All right. If we could go off the  
6       record for about ten minutes, we're getting  
7       pretty close to wrapping up, I just need to  
8       check my notes and then we can come back on.  
9       Thank you.

10                   (WHEREUPON, a discussion was  
11       held off the record.)

12       BY MR. MATTHEWS:

13             Q.     If everybody's ready, we can go  
14       ahead and go back on the record. Ms.  
15       McAndrews, do you know whether anybody from  
16       the exemption review board communicated  
17       directly with Ms. Isensee regarding her  
18       accomodation request?

19             A.     I don't believe so.

20             Q.     When you say I don't believe, you  
21       don't believe that anybody from the review  
22       board did directly communicate with Ms.  
23       Isensee?

24             A.     Correct.

25             Q.     Thank you. And do you know if the

1 exemption review board requested any  
2 additional information from Ms. Isensee after  
3 she had sent the email to you on  
4 November 23rd of 2021?

5 A. No.

6 Q. And who was it who made the  
7 decision to terminate Ms. Isensee's  
8 employment?

9 A. Erica Smith.

10 Q. And are you aware of there being  
11 communications to Ms. Isensee's team that  
12 indicated that she had moved on to another  
13 position within Amplity and not to contact  
14 her?

15 A. I'm not aware of any conversations  
16 of that nature.

17 Q. Okay. Does Amplity have a women's  
18 health division?

19 A. No.

20 Q. And once Amplity's vaccine  
21 requirements or mandate went into effect, how  
22 did Amplity verify that an employee had in  
23 fact received the COVID-19 vaccine?

24 A. Sure. So we gave instructions for  
25 employees to upload their vaccination cards

1 to a third-party vendor. It was Health  
2 Advocate who's our, one of our benefits  
3 providers.

4 Q. And do you know what steps the  
5 third-party vendor took to, to verify the  
6 validity of those uploaded cards?

7 A. I'm not sure that they were  
8 validating the cards. I believe it was more  
9 of a just collection of the information.

10 Q. And did Amplity take any measures  
11 to validate those vaccine cards?

12 A. I think, again, we were just  
13 monitoring that those cards were uploaded,  
14 those individuals that their roles required  
15 vaccination.

16 Q. Okay.

17 MR. MATTHEWS: All right. I  
18 think that's the extent of the questions that  
19 I have. I appreciate your time this morning  
20 and we can go ahead and conclude unless,  
21 unless David has any questions.

22 MR. CAMPBELL: I have a couple  
23 follow-up questions just because we're so  
24 close to summary judgment, just to leave no  
25 doubt.

1                                    DIRECT EXAMINATION

2            BY MR. CAMPBELL:

3                    Q.     So, Karen, I just have a couple  
4                    questions. I'm counsel for your employer.  
5                    And let me just -- you understand you're  
6                    still under oath?

7                    A.     Yes.

8                    Q.     Okay. Let me just ask you a couple  
9                    questions. You recall the discussions about  
10                   Ms. Isensee seeking other positions at  
11                   Amplity?

12                   A.     Yes.

13                   Q.     Tell us about your recollection of  
14                   I guess her efforts to find another position,  
15                   what do you recall?

16                   A.     Sure. Well, I always, you know,  
17                   recommend people go on the Amplity.com  
18                   website, look for those positions, but I also  
19                   had conversation where we had meetings where  
20                   we looked at all open positions that may be  
21                   available. Again, looking at her, her  
22                   qualifications, looking at, you know, the  
23                   qualifications of each role, and her  
24                   interests.

25                                    Again, at the time there was



1 really limited opportunities but we did kind  
2 of go through that process. I think you saw  
3 on that email that I also had -- she -- I  
4 don't know if it was myself or herself  
5 forwarding her resume to our talent  
6 acquisition team.

7 But, again, we were doing  
8 everything that we could to find her another  
9 position. My understanding is she did  
10 interview for one remote role in December.  
11 I'm not sure kind of where that landed, but I  
12 am aware that she applied for one and  
13 interviewed for a position.

14 Q. Okay. And were you personally  
15 assisting Ms. Isensee to locate other  
16 available positions?

17 A. Sure. Yes.

18 Q. Let me just, just ask you, you were  
19 asked some questions regarding other  
20 employees who held similar positions to Ms.  
21 Isensee, do you remember some of those  
22 questions?

23 A. Yes, I do.

24 Q. Were those other employees that --  
25 did you call them customer-facing or field

1 team, what is it that Amplity refers to them  
2 as?

3 A. Field sales representatives.

4 Q. Field sales representatives, okay.  
5 Just so the record's clear, are there any  
6 field -- were there any in 2021, after the  
7 vaccination policy was implemented, any field  
8 sales representatives who were permitted to  
9 continue in their roles without the COVID-19  
10 vaccination?

11 A. No.

12 Q. Okay. Was Ms. Isensee treated the  
13 same as all other similarly situated  
14 employees?

15 A. Yes, she was.

16 Q. You mentioned Organon, do you know  
17 the spelling of that just so the record's  
18 clear?

19 A. Sure. O-R-G-A-N-O-N.

20 Q. Okay. And what is Organon in  
21 relation to Ms. Isensee, just so the record's  
22 clear?

23 A. Sure. Organon is our client and  
24 they contract with Amplity for field sales --  
25 basically a sales team calling on customers

1 in, in promotion of their product.

2 Q. Okay. And you said that the, the,  
3 I believe your testimony was that the -- I  
4 guess at some point in late 2021 did Organon  
5 require under the contract the reinstitution  
6 of face-to-face customer meetings?

7 A. Yes.

8 Q. When was that, to your knowledge?

9 A. I guess when offices started  
10 opening up, right, the requirement was that  
11 the field sales representatives would have  
12 face-to-face interactions. I don't recall  
13 exact months. Every office, right, across  
14 the country had a different timeline. So as  
15 soon as offices were opening or letting in  
16 sales representatives, there was an  
17 expectation that our team would, you know, go  
18 into those facilities.

19 Q. Okay. If Amplity was not going  
20 into those facilities, into the facilities on  
21 behalf of Organon, was it a breach of the  
22 contract?

23 A. Well, for facilities that were  
24 closed to field sales representatives there  
25 was an expectation that that representative

1 would still call on those customers, right,  
2 in a remote capacity.

3 Q. Okay.

4 A. So although we were, we were being  
5 contracted to have a field sales team that  
6 would go into offices, there were occasions  
7 where offices may not let any vendors or any  
8 field sales teams in, so -- does that answer  
9 the question?

10 Q. I think my question was not, not  
11 clear. As the offices opened, as the  
12 organizations, the Organon customers opened  
13 for, for vendors to come in, would it have  
14 been a breach of Amplity's contract with  
15 Organon to not have Amplity employees going  
16 into those organizations that permitted  
17 vendors to come on to meet face-to-face to,  
18 to present the Organon products?

19 A. Yes.

20 Q. Okay. That's all I was getting at.  
21 Now, let me ask you just as to -- you were  
22 asked a little bit about administrative  
23 costs, so let me ask you this. How many  
24 Organon customers are there, are we talking  
25 about 10, 100, 1,000, what are we talking

1       about?

2               A.     Thousands of customers across the  
3       country.

4               Q.     Okay.

5               A.     So customers, so those folks, those  
6       facilities, offices, doctors' offices, right,  
7       that have purchased products, but also those  
8       targets, right? So thousands of call, call  
9       points.

10              Q.     Okay. And did Ms. Isensee and  
11       other field sales representatives on the  
12       Organon team have certain regions that they  
13       were responsible for?

14              A.     Yes.

15              Q.     Okay. And if, if Ms. Isensee could  
16       not go visit one of her customers due to the  
17       lack of a vaccination, could Amplity have  
18       another field sales representative always  
19       ready to replace her?

20              A.     No.

21              Q.     Would that be an administrative  
22       burden?

23              A.     Yes.

24              Q.     Could Amplity have kept track of  
25       the thousands of customers and potential

1 customers as to the vaccination easily as to  
2 whether they mandated vaccination?

3 A. No, that would be quite a lift.  
4 Because at the time I believe we had about 80  
5 field sales representatives with -- that were  
6 deployed across the country with hundreds of  
7 targets and customers, so it, that would be a  
8 big lift to keep track of every single  
9 customer whether or not they were allowing  
10 field sales representatives in or not.

11 And that was changing, right?  
12 That was evolving, you remember, at the time,  
13 right? That 2021 timeframe, right? Things  
14 were evolving and shifting and changing, so  
15 that would have required, you know, knowing  
16 real time in all of the offices what their,  
17 what their policies were around visitors.

18 Q. And so, just to break that out,  
19 one, heavy lift means I'm assuming a lot of  
20 manpower or administrative time to create?

21 A. Yes.

22 Q. Two, you're saying, one, it would  
23 be a heavy lift, a lot of administrative time  
24 and manpower to create initially, but you're  
25 saying that the vaccination requirements were

1 quickly changing and need to be updated  
2 regularly?

3 A. The vaccine requirement was  
4 changing, more so they weren't letting any  
5 visitors in regardless of their vaccination  
6 status. So, you know, things were evolving  
7 and changing and, yes, it would be -- it  
8 would take a lot of manpower and a lot of  
9 effort to call every single office, every  
10 single, you know, health system to  
11 understand, A, you know, if they were  
12 allowing visitors, and, B, you know, what the  
13 status was of vaccination to enter the  
14 facilities.

15 My understanding is because the  
16 nature of the patients, the majority of the,  
17 the, these offices were requiring  
18 vaccination.

19 Q. Okay. And maybe my question --  
20 that was an excellent answer, let me just  
21 pinpoint my question a little bit better.  
22 The vaccination requirements from the state  
23 and federal government may have been set at  
24 this point, but as to the customers, what I  
25 was getting at is, you do the heavy lift to

1 create a list of thousands of customers  
2 whether they've mandated vaccination or not  
3 on November 1, 2021, but that -- their  
4 requirements may change drastically by  
5 December 1, 2021, more would require the  
6 vaccine, some might decide, hey, that's too  
7 much; was it changing with your customers?

8 A. Yes.

9 Q. Okay. Now, let me ask you just  
10 about what is credentialing?

11 A. Yeah, so in order to access a  
12 health system or hospital, visitors who are  
13 regularly going into these facilities need to  
14 be credentialed, which is basically a  
15 background kind of check. They -- it's also  
16 immunology, there's immunology requirements,  
17 so like Hepatitis B or the flu vaccine. So  
18 in order to be in these health systems  
19 there's a credentialing process that field  
20 sales representatives need to go through.  
21 There's training and other things as well as  
22 part of that certification and credentialing  
23 process.

24 Q. Did any of the Organon customers  
25 include COVID-19 vaccinations as part of the



1       credentialing requirements in 2021 and 2022?

2             A.     Yes, I believe, I believe so, yes.

3             Q.     Okay. Now, let's talk about, just  
4       to conclude here, are the patients that Ms.  
5       Isensee was targeting as to her sales were,  
6       did I hear correctly, oncology patients?

7             A.     Yes.

8             Q.     Okay. And so the patient base that  
9       Ms. Isensee was targeting was particularly  
10      sensitive to COVID-19?

11            A.     Yes.

12                   MR. CAMPBELL: I don't have any  
13      further questions at this time. I don't know  
14      if you have any follow-up questions to that,  
15      counsel.

16                   MR. MATTHEWS: Yeah, I just have  
17      a couple.

18                               RE CROSS EXAMINATION

19      BY MR. MATTHEWS:

20             Q.     Ms. McAndrews, with respect to  
21      Organon, did Organon make any complaints to  
22      Amplity in 2021 that Ms. Isensee wasn't  
23      making face-to-face visits with customers?

24             A.     Not to my knowledge.

25             Q.     Do you know if any customers

1       complained to Oregon -- Organon about Ms.  
2       Isensee not making in-person visits to their  
3       offices?

4             A.     Not to my knowledge.

5             Q.     Do you know whether any of the  
6       customers who Ms. Isensee called upon were  
7       allowing sales representatives into their  
8       offices in 2021?

9             A.     I specifically don't know with  
10      respect to her targets whether they were or  
11      were not allowing visitors in.

12            Q.     And do you know if any of the  
13      customers or, as you mentioned, targets that  
14      Ms. Isensee called upon were requiring  
15      COVID-19 vaccinations as part of their  
16      credentialing process?

17            A.     Specifically her call points, no.  
18      But --

19            Q.     Okay.

20            A.     -- in all of my experiences with  
21      credentialing, my understanding is almost all  
22      were requiring COVID-19 vaccination to access  
23      the facility.

24                   MR. MATTHEWS:   Okay.   I don't  
25      have any further questions.   Thank you.

1 MR. CAMPBELL: Okay. I don't  
2 have any further questions. Karen, you under  
3 the Ohio rules have the right to read, and I  
4 would say you don't have to, but if you have  
5 time, if this is ordered, you get a chance to  
6 read for typos and whatnot. I would urge you  
7 not to waive that, that you retain your right  
8 to read the transcript. Is that okay?

9 THE WITNESS: Sure. Yes.

10 MR. CAMPBELL: Okay. And with  
11 that, I think we're done for today.

12 (WHEREUPON, deposition concluded  
13 at 10:38 a.m.)  
14  
15  
16  
17

18 \_\_\_\_\_  
KAREN MCANDREWS

19 \* \* \* \* \*  
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C E R T I F I C A T E

STATE OF OHIO

SS:

COUNTY OF MONTGOMERY

I, Tina M. Shell, the undersigned, a Registered Professional Reporter, and Notary Public within and for the State of Ohio, do hereby certify that before the giving of aforesaid deposition, said KAREN MCANDREWS, was by me first duly sworn to depose the truth; the whole truth, and nothing but the truth; that the foregoing is the deposition given at said time and place by said KAREN MCANDREWS; that said deposition was taken in all respects pursuant to the agreement and stipulations of counsel hereinbefore set forth; that said deposition was taken in stenotypy by the court reporter and transcribed into typewriting under her supervision; that the transcribed deposition is to be submitted to the witness for her examination and signature; the court reporter is neither a relative of nor attorney for any of the parties to the case, nor relative of nor employee for any of the counsel, has no interest whatsoever in the result of the action, and am not, nor is the court reporting firm for which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I herein set my hand and official seal of office this 3rd day of April, 2024.

My commission expires /s/ Tina M. Shell  
 March 26, 2026 Tina M. Shell  
 Notary Public, State of Ohio

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